S.B.CIVIL TRANSFER PETITION NO.19/2006

Smt. Jyoti Bhargava
vs.
Deepak Bhargava

DATE OF ORDER ::: 25.5.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. A Kala, for the petitioner.

None present for the respondent.

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Heard learned counsel for the petitioner as nobody appeared on behalf of the respondent despite sending the notice by registered post which has not been accepted by the respondent and has been received back with postal endorsement of refusal.

According to the petitioner, her marriage was solemnised with the respondent on 17.1.2003 at Jodhpur. The respondent ousted the petitioner from his house and since 2003, the petitioner is residing at Jodhpur with her parents. The petitioner also submitted a case under Section 125 Cr.P.C. in the year 2004. Now the petitioner has received notice of divorce petition filed by the respondent on 13.2.2006. According to the petitioner, she is young lady and dependent upon her parents who are of old age. It is also submitted that the petitioner cannot attend the Court at Jaipur to conduct the case which is more than 300

kms. from Jodhpur.

Looking to the facts of the case and which are not opposed by the respondent, it will be appropriate to transfer the petition under Section 13 of Hindu Marriage Act filed by the respondent.

In view of the above, this transfer petition is allowed, the Petition no.77/2006 (Deepak Kumar Bhargava vs. Smt. Jyoti Bhargava) filed by the respondent pending in the Family Court No.2, Jaipur is hereby withdrawn and is transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya